

TITLE 16. ACUPUNCTURE BOARD

NOTICE IS HEREBY GIVEN that the Acupuncture Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a **hearing to be held at the Milton Marks Conference Center, Lower Level Auditorium, 455 Golden Gate Avenue, San Francisco, CA, on August 22, 2005, at 9:00 a.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice must be received by the Board at its office not later than 5:00 p.m. on August 22, 2005, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 4933 of the Business and Professions Code, and to implement, interpret or make specific Sections 4938, 4945, 4949 and 4955 of the Business and Professions Code, the Board is considering changes to Division 13.7 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 4945 of the Business and Professions Code requires the Board to establish standards for continuing education for acupuncturists. As a result of several studies/group panel meetings, the Board determined the following amendments were necessary to establish current standards for continuing education.

1. Amend Section 1399.480

The Board proposes to amend Section 1399.480 to change the definition of one hour and minor cleanup to existing language.

2. Amend Section 1399.481

The Board proposes to amend Section 1399.481 to make minor cleanup to existing language and reference the correct citation to approved schools.

3. Amend Section 1399.482

The Board proposes to amend Section 1399.482 to make minor cleanup to existing language and remove language that would more appropriately be referenced in Section 1399.484.

4. Amend Section 1399.483

The Board proposes to amend Section 1399.483 to classify courses submitted for approval into two categories; to limit the amount of CE hours granted in one day to 8 hours; limit the number of hours approved for courses taught simultaneously in two languages; prohibit practical or hands on techniques for independent or home study courses; require passage of an examination for courses approved for independent or home study; and, prohibit providers from selling or discussing name brand products during a course.

5. Amend Section 1399.484

The Board proposes to amend Section 1399.484 to make minor cleanup to existing language including adding language from 1399.482 which is more appropriate for this section and require the level of difficulty of a course be included in a course request.

6. Amend Section 1399.485

The Board proposes to amend Section 1399.485 to be more specific as to the type of discipline an instructor must be free of and make more specific the amount of experience an instructor must have;

7. Amend Section 1399.486

The Board proposes to amend Section 1399.486 to impose stricter guidelines in advertising by requiring that course titles reflect course content without market language, state the level of difficulty of a course and state a full disclosure of all products that will be for sale after completion of a course.

8. Amend Section 1399.487

The Board proposes to amend Section 1399.487 to make minor cleanup to existing language so the language flows better and more understandable and expand the reasons for denial or withdrawal of approval of a provider

9. Amend Section 1399.488

The Board proposes to amend Section 1399.488 to delete the requirements of the Permit Reform Act, which has been repealed

10. Amend Section 1399.489

The Board proposes to amend Section 1399.489 to require as a condition of first renewal a minimum of four hours of continuing education in ethics and practice management; require a minimum of four hours of continuing education in drug/herb interaction as a condition of renewal every two years; require passage of an exit exam for independent or home study continuing education course as a condition to receive credit; limit the number of credit hours for category 2 courses.; and delete the provision allowing instructors to receive credit for courses they teach..

11. Amend Section 1399.489.1

The Board proposes to amend Section 1399.489.1 to require licensees as a condition to restore their license from an inactive status, to complete four hours in the interaction of drugs and herbs as part of the required 30 hours of continuing education.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies
Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to Any Local Agency or School District for Which Government Code Section 17561
Requires Reimbursement: None

Business Impact:

The Board has determined that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting California business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Businesses:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will have an affect on small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purposes for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

The Board invites any interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Acupuncture Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all the information upon which this proposal is based, may be obtained at the hearing or prior to the hearing upon request by contacting Janelle Wedge, (916) 445-3021, at the Acupuncture Board, 444 North 3rd Street, Suite 260, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Marilyn Nielsen, Executive Officer
444 North 3rd Street, Suite 260
Sacramento, CA 95814
(916) 445-3021
FAX: (916) 445-3015
E-Mail: Marilyn_Nielsen@dca.ca.gov

The backup contact person is:

Janelle Wedge, Administrative Coordinator
444 North 3rd Street, Suite 260
Sacramento, CA 95814
(916) 445-3021
FAX: (916) 445-3015
E-Mail: Janelle_Wedge@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to one of the contact persons named above.

Website Access: Materials regarding this proposal can be found at www.acupuncture.ca.gov